

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) COMPLAINT
)
PETER L. ELKIN,)
)
 Defendant.)

The United States of America, for its complaint, states and alleges as follows:

1. Plaintiff, United States of America, is a sovereign, and defendant, Peter L. Elkin, is a resident of Olmsted County, State and District of Minnesota, with the last known address of XXXX XXX XXXXXX XXXX, Rochester, Minnesota 55902.

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1345.

3. Defendant executed a promissory note for a HEAL Relief Account consolidation loan from the Student Loan Marketing Association, on August 6, 1997, in the amount of \$108,754.31. The loan was re-insured by the United States of America, through the United States Department of Health and Human Services. A copy of the promissory note is attached

hereto as Exhibit A.

4. The HEAL loan, evidenced by the promissory note attached hereto as Exhibit A, was provided to defendant pursuant to Section 701-720 of the Public Health Service Act, 42 U.S.C. § 292f-p.

5. Defendant defaulted on the terms and conditions of the promissory note.

6. Demand was made, but the default was not cured.

7. The United States of America, through the United States Department of Health and Human Services, paid the Student Loan Marketing Association, pursuant to the terms of the guarantee. Thus, the United States obtained all rights and title to the loan.

8. Interest continues to accrue on the unpaid balance of the loan evidenced by Exhibit A at a variable rate of interest, currently set at 4.75 percent per annum. See the Certificate of Indebtedness, attached hereto as Exhibit B and incorporated herein by this reference.

WHEREFORE, the United States demands judgment against the defendant in the sum of \$164,966.59 principal, plus interest to October 15, 2008, in the amount of \$1,502.78, together with

additional prejudgment interest, postjudgment interest,
attorney's fees and costs as allowed by law and, pursuant to
28 U.S.C. § 2412, costs in the amount of \$350.00.

Dated: December 18, 2008

FRANK J. MAGILL, JR.
United States Attorney

s/M. Trippler

BY: MARY TRIPPLER
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